

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION AT LAFAYETTE

IN THE MATTER OF:

WILLIAM C. SMITH  
BARBARA A. SMITH

Debtors

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CASE NO. 05-40440

**DECISION AND ORDER**

At Fort Wayne, Indiana, on August 1, 2005.

On July 6, 2005, Chase Manhattan Bank filed a Motion to Approve Agreed Entry Regarding Relief from Stay and Abandonment of Real Estate. The certificate of service filed with the notice of that motion indicates that creditors and parties in interest were served by reference to an attached list. No such list was attached. All creditors and parties in interest are entitled to notice of the abandonment of property from the bankruptcy estate. See, Fed. R. Bankr. P. Rule 6007.

Since creditors and parties in interest have not been given appropriate notice of the motion and the opportunity to object thereto, the court cannot grant it at this time. Movant shall prepare and serve an Amended Notice of Motion and Opportunity to Object and file a proof thereto within fourteen (14) days of this date. See, N.D. Ind. L.B.R. B-9013-4(a). The failure to do so will result in the motion being denied without prejudice and without further notice.

SO ORDERED.

/s/ Robert E. Grant  
Judge, United States Bankruptcy Court